

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
WILLIAM JOSEPH HOLT	:	NO. 18-143

MEMORANDUM

Bartle, J.

June 8, 2018

Before the court is the motion of defendant William Joseph Holt ("Holt") to stay this court's June 5, 2018 order (Doc. # 8) pending appeal, pursuant to Rule 38 of the Federal Rules of Criminal Procedure. That order modified the terms of his supervised release to require him to undergo a psychosexual evaluation.

On January 3, 2013, Holt pleaded guilty in the United States District Court for the District of South Carolina to an information charging him with one count of possession with intent to distribute hydrocodone and alprazolam in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(e), (b)(2) and § 846. He was sentenced to a term of 90 months' imprisonment. On February 13, 2018, he began his three-year term of supervised release. Supervision over him was then transferred to this court since he is currently residing within this district. See 18 U.S.C. § 3605.

On May 18, 2018, the United States Probation Officer assigned to Holt filed a petition to modify the conditions of his supervised release "to include that the defendant shall undergo a psychosexual evaluation at the direction of the probation office and follow any recommendations to participate in sex offender specific/mental health treatment." In support, the Probation Officer explained that Holt had two prior convictions in the Court of Common Pleas of Montgomery County, Pennsylvania for sex-related offenses involving minors: (1) a 1998 conviction for corruption of minors; and (2) a 2002 conviction for statutory rape. While Holt maintains that he had undergone sex offender treatment with Montgomery County, he has not provided any supporting documentation. At the hearing on the Probation Officer's petition, the court learned that Holt is separated from his wife and that he has partial custody of his two young daughters, ages six and nine.

A sentencing judge has wide discretion to impose or modify a term of supervised release. See United States v. Smith, 445 F.3d 713, 717 (3d Cir. 2006). Under 18 U.S.C. § 3583(d), a court may impose or modify a condition of supervised release after considering whether it is "reasonably related" to the factors set forth in 18 U.S.C. § 3553(a): (1) the nature of a defendant's offense and the defendant's history and characteristics; (2) the need for adequate

deterrence; (3) the need to protect the public from further crimes of the defendant; and (4) the need to provide the defendant with correctional treatment including vocational training or medical care.

Holt strongly opposed the petition as unnecessary asserting, among other things, that his underlying federal conviction did not involve a sexual crime and that there is no evidence that he has committed any other sexual offenses. We acknowledge that Holt's convictions for sexual crimes involving minors happened many years ago, and as far as we know, there has been no recurrence. Nonetheless, out of an abundance of caution, it seems fitting based on his history to require him to undergo a psychosexual evaluation, first because he now has partial custody of his young daughters and second because he has no documentation that he ever successfully completed a sex offender treatment program. See 18 U.S.C. § 3553(a). His resistance to undergoing an evaluation is not well taken.

Accordingly, we entered an order directing Holt to undergo a psychosexual evaluation. We further directed that the report of the evaluation shall be provided to counsel and this court for review. Once the report is received, the court will hold a further hearing to determine what additional action, if any, is necessary.

In our view, the order is not only in the best interest of Holt but also in the best interest of the community. If there are any underlying issues, it is better to know sooner and before it is too late. It would be shortsighted to delay the evaluation, and it would not unduly disrupt Holt's life to require him to participate in it at an early date.

Thus, we will deny the motion to stay. However, as an accommodation to Holt, the court has directed the Probation Officer to schedule the evaluation to take place no sooner than thirty days from today.

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ORDER

AND NOW, this 8th day of June, 2018, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that the motion of defendant to stay the order of June 5, 2018 pending appeal pursuant to Rule 38 of the Federal Rules of Criminal Procedure (Doc. # 10) is DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.